

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

FEDERAL TRADE COMMISSION,  
STATE OF CALIFORNIA, STATE OF  
COLORADO, STATE OF ILLINOIS,  
STATE OF INDIANA, STATE OF IOWA,  
STATE OF MINNESOTA, STATE OF  
NEBRASKA, STATE OF OREGON,  
STATE OF TEXAS, and STATE OF  
WISCONSIN,

Plaintiffs,

v.

SYNGENTA CROP PROTECTION AG,  
SYNGENTA CORPORATION,  
SYNGENTA CROP PROTECTION, LLC,  
and CORTEVA, INC.,

Defendants.

Case No. 1:22-cv-00828-TDS-JEP

**JOINT LOCAL RULE 5.5 REPORT**

Pursuant to Local Rule 5.4(b)(1)(b), Plaintiffs Federal Trade Commission (“FTC”); the states of Colorado, Illinois, Oregon, and Texas; Defendant Corteva, Inc.; and Defendants Syngenta Crop Protection AG, Syngenta Corporation, and Syngenta Crop Protection, LLC (collectively, “Syngenta”) have met and conferred and the FTC and Defendants hereby submit this Joint Local Rule 5.5 Report.<sup>1</sup> Given the early posture of the case, the parties’ discussion focused on confidentiality and sealing issues arising out

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<sup>1</sup> Plaintiff States of California, Colorado, Illinois, Indiana, Iowa, Minnesota, Nebraska, Oregon, Texas, and Wisconsin have not yet entered appearances in this matter, and are thus not joining this report.

of Plaintiffs' Complaint and Plaintiff FTC's Motion To File Portions of the Complaint Temporarily under Seal (ECF No. 2).

1. **Conference.** Pursuant to Local Rule 5.4(b)(1), Plaintiffs FTC and States of Colorado, Illinois, Oregon, and Texas and Defendants met via video conference on October 7, 2022, to discuss the issues of confidentiality raised in this case. That discussion included the nature of any confidential information contained in Plaintiffs' Complaint, as well as potential avenues to minimize the scope of anticipated motions by Defendants to keep information in the Complaint under seal. The parties agreed to meet and confer further regarding the nature of any confidential documents that may be involved in the case, the possibility of using stipulations to avoid the need to file certain documents under seal, and the possibility of agreed-upon redactions of immaterial confidential information in filings to avoid the need for filing documents under seal.

2. **Non-Parties.** Plaintiff FTC's Motion To File Portions of the Complaint Temporarily under Seal (ECF No. 2) addressed information that Defendants and certain non-parties to this case produced on a confidential basis during the FTC's pre-Complaint investigation and that the Complaint may disclose. Ultimately, the non-parties whose information was redacted in the publicly-filed Complaint indicated that they do not intend to file any motions for further sealing with respect to the information in the Complaint, and that their information in the Complaint preliminarily filed under seal by Plaintiffs may be filed on the public docket. The relevant non-parties have informed the FTC that

they reserve their rights to move for protection of their confidential information as the case progresses.

**3. Alternative Proposal for Cases with Many Confidential Documents.**

This case likely will involve significant amounts of competitively sensitive information and documents from Defendants and non-parties. Such information and documents include trade secrets; price lists; commercial or business information that is competitively sensitive; competitive strategies; competitively sensitive customer information; financial, marketing, or strategic business planning information; current or future pricing information; and customer information.

The parties are not yet in a position to evaluate the likelihood that confidential information and documents will be filed with the Court, and thus whether alternative procedures for managing motions to seal are appropriate. The parties will continue to meet and confer regarding potential alternative procedures for managing motions to seal that minimize the filing of sealed documents, protect public right of access, and allow for the review of motions to seal in a way that reduces cost, time, and confusion. The parties anticipate filing an updated Local Rule 5.5 Report within ten days of their Rule 26(f) conference.

**4. Other Relevant Information.** Plaintiff FTC's Motion To File Portions of the Complaint Temporarily under Seal (ECF No. 2) is pending before the Court. The only putatively confidential information in the Complaint that remains subject to Plaintiff FTC's Motion To File Portions of the Complaint Temporarily under Seal (ECF No. 2) is

Defendants' information. The deadline for Defendants to file responses containing the information required by LR 5.4(c)(3) is October 13, 2022. *See* LR 5.4(c)(4)(b).

Defendants' responses could include requests to permanently seal portions of Plaintiffs' Complaint.

To promote their ability to determine whether to file motions to seal permanently, Defendants have agreed that Plaintiffs may disclose to each Defendant all other Defendants' putatively confidential information contained in the Complaint on the condition that each Defendant agrees to maintain such information on an outside counsel's eyes only basis.

Dated: October 11, 2022

Respectfully submitted,

/s/ James H. Weingarten

JAMES H. WEINGARTEN (DC Bar No. 985070)

Deputy Chief Trial Counsel

WESLEY G. CARSON

ELIZABETH A. GILLEN

Federal Trade Commission

Bureau of Competition

600 Pennsylvania Avenue, NW

Washington, DC 20580

Telephone: (202) 326-3570

Email: [jweingarten@ftc.gov](mailto:jweingarten@ftc.gov)

*Attorneys for Plaintiff Federal Trade Commission*

/s/ Patrick M. Kane

Patrick M. Kane

N.C. State Bar No. 36861

pkane@foxrothschild.com

FOX ROTHSCHILD LLP

230 N. Elm Street

Suite 1200

Greensboro, NC 27401

Telephone: (336) 378-5200

Facsimile: (336) 378-5400

and

Paul S. Mishkin\*

paul.mishkin@davispolk.com

DAVIS POLK & WARDWELL LLP

450 Lexington Avenue

New York, NY 10017

Telephone: (212) 450-4292

Facsimile: (212) 701-5292

\*Specially appearing under L.R. 83.1(d)

*Attorneys for Defendants Syngenta Crop  
Protection AG, Syngenta Corporation, and  
Syngenta Crop Protection, LLC*

/s/ Mark E. Anderson

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Mark E. Anderson  
N.C. State Bar No. 15764  
manderson@mcguirewoods.com  
MCGUIREWOODS LLP  
501 Fayetteville Street, Suite 500  
Raleigh, North Carolina 27601  
Phone: 919.755.6600  
Fax: 919.755.6699

Christine A. Varney\*  
cvarney@cravath.com  
Katherine B. Forrest\*  
kforrest@cravath.com  
David R. Marriott\*  
dmarriott@cravath.com  
Margaret T. Segall\*  
msegall@cravath.com  
Jesse M. Weiss\*  
jweiss@cravath.com  
CRAVATH, SWAINE & MOORE LLP  
825 Eighth Avenue  
New York, NY 10018  
Telephone: (212) 474-1000  
Facsimile: (212) 474-3700

\* Special appearances under L.R. 83.1(d)  
forthcoming

*Attorneys for Defendant Corteva, Inc.*